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Spokane Community Court offers chronic offenders another chance

Shawn Vestal The Spokesman-Review



Aubrey Shults sits outside the room used for Community Court on March 1 at the Spokane Public Library downtown. The former heroin addict has been in Community Court for offenses in the past, and continues to check with the court to make sure she is completing assigned tasks.

When Aubrey Shults landed in jail in January, it was the end of a long, sad slide.

Her longtime boyfriend had left her, and Shults – a drug-addicted 38-year-old who has lived on Spokane’s streets since she was 14 – descended into a blizzard of self-destruction.

“I was trying to kill myself with drugs and prostitution and not caring,” she said, adding in a whisper, “I did so *many* risky things.”

Along the way, she picked up a ticket for misdemeanor theft for failing to pay \$10 for a cab ride. Shults handled that her usual way: She ignored it. Her failures to appear in court resulted in an arrest warrant and finally an arrest. She spent two weeks in the county jail, awaiting trial or a plea deal, at a cost of \$135 a day and with a probable benefit of about zero, for both Shults and taxpayers.

She was facing 20 to 60 days in jail before her case was diverted to the new Spokane Community Court, an experimental approach for chronic nonviolent offenders. If she sticks to her agreement for six months – committing no new crimes, connecting with the services she needs, showing up regularly for progress checks, and performing community service – her case will be dismissed.

Like other problem-solving courts, the community court turns the traditional model of criminal justice on its head by offering as much help as punishment. Instead of emphasizing an endless cycle of short-term jail sentences, it promotes community service and intense supervision. It requires defendants to get help with their problem, whether it’s homelessness, addiction treatment, health care – or a sandwich. Instead of issuing stacks of failure-to-appear warrants, it tries to build relationships and requirements that bring offenders back to court regularly and begin to forge community connections.

“People coming into Municipal Court – they are not just visitors to the city of Spokane who come in off I-90, commit a crime and leave,” said Judge Mary Logan, who presides over the court. “They live here.”

If all we do is repeatedly put them in jail and release them, “What do you suppose happens when they walk out that door?” she asks.

What happens is what’s already happened. Jail costs escalate. The system – from police to prosecutors to defense attorneys to probation officials – falls further and further behind a parade of low-level offenders who are, in effect, trapped in a feedback loop of escalating punishments that compound but never end. The Community Court, based on successful programs in other cities, is an attempt to break that loop. The first cases were heard in December, and the court’s effectiveness will be closely measured by a team from Washington State University. City public defenders, prosecutors, police, probation and library officials are involved, along with representatives of a wide range of social services and programs. The population it aims to help – the homeless, chronic trespassers and vandals, addicts and the mentally ill – is one that is notoriously difficult to help, and some of the participants, doubtlessly, will not succeed.

But the early signs are promising. Certain stubborn reoffenders are taking their first steps toward changing their lives. They are performing community service around the downtown area, part of the overall strategy of starting to build connection and community.

It’s very different from the traditional ideas of crime and punishment.

“It’s hard for some people to swallow,” said Jacqueline van Wormer, an assistant professor of criminal justice at Washington State University who is tracking the court’s effectiveness.

She said community courts in other cities have shown promise in reducing jail costs and cutting the frequency of repeat offenses. And, however well Spokane’s court works, it’s clear that repeatedly arresting and jailing and releasing people like Shults has not worked.

“Jail does not change behavior,” van Wormer said. On the other hand, “Problem-solving courts can be very effective in reducing recidivism if they follow the (right) model.”

‘Good job! All right!’

It is a Monday in March, and Community Court is in session. You might not recognize it as court, though. It convenes at the downtown Spokane library, in the first-floor conference rooms. In one room, social service providers help people apply for housing assistance, sign up for insurance under the Affordable Care Act, seek treatment for drug or alcohol addiction, and connect to other services. A local church provides lunch.

In a neighboring room, Logan hears cases, sitting at a table between two flags so new the creases haven’t shaken out. The general pattern is services in the morning and court in the afternoon, but things run informally. When the bailiff calls “All rise,” all do not necessarily rise. Sometimes, it’s because they’re sleeping.

Francis Adewale is the primary defense attorney assigned to the court. A native of Nigeria, he is also a pastor, author, frequent speaker, advocate for refugees and others – and a kind of charismatic whirlwind, blending an insistent positivity with frankness.

“Did you do some community service for me?” he asks one client he spots in the hallway.

“Yeah,” the man answers.

“Good job! All right!” Adewale hugs him, patting him on the back. “I love it! Are you going to AA?”

The man, Masocio Spice, 43, was facing a charge of trespassing, and not his first. He described his offense this way: “It was 3 in the morning. Raining out. A little dry spot, and here come the police.”

Spice said he appreciated the chance to try community court.

“This is different,” he said. “It’s weird. It’s in a library. You get handshakes.”

Almost all the cases in Community Court involve trespassing, malicious mischief and other nonviolent “quality of life” crimes. In exchange for an eventual dismissal, defendants agree to several conditions: performing community service, connecting with the services they need, regular check-ins at court on Mondays.

Community service is a key part of the mix; Logan said offenders have several options for helping out downtown, and officials are devising others. They’re working to develop ways to connect offenders and victims – to have a graffiti tagger clean up the property he tagged, for example.

In one recent case, the court brought in a barber to meet the young man who had been charged with theft for skipping out on a haircut. The man, Brandon Pier, has been a persistent panhandler, scrounger and small-time con man around Spokane; so far through Community Court he has apologized to the barber face to face, shown up for his hearings, and been admitted into treatment for his drug addiction.

He’s not out of the woods, of course. He must stick with the program for at least six months. City Prosecutor Adam Papini told Logan, “I’m not going to be too forgiving yet, Judge.”

Still, Logan was excited.

“That is hopeful, hopeful news,” she said.

In jeopardy

To sit through a session of Community Court is to gain an appreciation of how incredibly complicated the problems of deep poverty can be.

One man argued truculently with probation officials, was scolded for doing so, decided he would take his chances in traditional court, left – and then returned to say he’d changed his mind. Another showed up in soaking wet shoes, having walked across town in the snow simply to report that he had met his community service obligations.

“It’s really commendable,” Logan told him. “It really says a lot that you came back.”

A single mother told the judge she was struggling to balance several crises at once – a custody case over her children, the need to work and a lack of transportation that was compounded by the fact that she was banned from the STA Plaza over her trespassing there. How, she asked, was she supposed to start working when she couldn't catch a bus? Papini asked her to write a letter of apology to STA and bring it the following week; if she did that, he told her, perhaps he could help her resolve the problem at the Plaza. Another woman needed help balancing the scheduling of community service with her inpatient drug and alcohol treatment.

One formerly homeless man who is known as a “frequent flier” in local emergency rooms had reached a thorny place in his efforts to reform, battling with those trying to help him. At one point during the hearing, Adewale turned to the man and pleaded, “I’m begging you. ... You are *off the streets*. You are *in housing* now. You can’t lose that.”

A young man who police say is one of a handful of “taggers” responsible for the majority of downtown graffiti pleaded guilty to two charges of malicious mischief, and four others were set aside for now. He would be required to perform community service and get treatment for his meth addiction. Though the court has a problem-solving, helping approach, the threat of possible punishment is a part of the mix, too.

Papini said, “I want this young man to feel in jeopardy – in jeopardy of more charges and jail time.”

Adewale and Logan both talked about their hopes that the young man might turn his artistic talents in a different direction.

“He’s come a long way, but there are still a lot of challenges ahead for him,” Adewale said. “He’s going to need very heavy hand-holding. This is not going to be easy. The next six months is probably going to be the hardest of his life.”

Keeping track

The approach will certainly not work for everyone. But whether it works overall – helps break the cycle of repeat offenders, helps lower costs and improve lives – will not always be an open question.

Van Wormer, the criminology professor at WSU, will be measuring the court’s effectiveness, and she will present a report after the court’s first six months, and then regularly in later installments. She plans to compare the outcomes of defendants in Community Court who have long records in the traditional court system. But Spokane is not inventing this wheel – community courts are showing some success in other communities.

She said certain components are vital: deep collaboration among the different parties, plenty of community service and interaction on the part of offenders, and a strong judge who balances toughness and compassion.

Kathy Knox, the head of the city’s public defender’s office, was a major proponent of starting a community court here. She and the attorneys in her office see the ineffectiveness of the revolving jail door firsthand. They also see the deep, intractable problems of many chronic low-level offenders that the traditional justice system does not touch – problems that can make it impossible, or at least very difficult, for them to even begin to turn their lives around.

One positive early sign is the number of people who are coming to the library on Mondays who aren't charged with any crime. More than 125 people have come in simply for "services" – for the one-stop shopping of ways they might get help. And the word is spreading.

"I think we've got street cred," Knox said with a smile.

Adewale said he has long wanted to see an approach like this one.

"I've been crying out for a program like this for years," he said. "I just love doing this."

That comes through. At the start of a recent court session, Adewale addressed the defendants and explained the court to them – what it would do for them and what they would have to do in return.

"You have to be willing to accept the offer," he told them. "You have a choice not to be part of the Community Court. But if I were you, I would not do that. You will be taken back into the court system on the other side of the river."

Adewale also emphasized that the defendants are members of the community. He urged them to accept the responsibility that goes with that.

"It is not only people who are well-to-do who know how to take care of the community," he said.

Shults seems to have taken that message to heart.

"We're all part of the community," she said in an interview. "You and me are no different."

She is at the front end of a hard journey. A heroin addict, she is awaiting word on whether she can get into housing as a first step toward recovery. Through Community Court, she has taken steps to reapply for Social Security benefits, sign up for health insurance, have her missing teeth replaced, establish mental health treatment, and get on a treatment program to help her kick heroin. She's had her setbacks, and she's one of the people the court will try to "wrap around" with services from every direction – including volunteers who will take extra steps to ensure she gets to all her appointments.

Still, Shults says that for the first time, she's showing up for court and telling the truth about her problems.

"It's awesome," she said. "It's been a blessing for me. ... Being honest with these guys is the biggest part of me changing."

She has another powerful incentive to show up on Mondays. Her 21-year-old son is in Community Court, too. Shults gave birth to him when she was 17, living on the streets and in shelters, and lost touch with him for years.

"Now I see him every Monday," she said. "We see how we're both progressing."

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